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SANTA FE CITY COUNCIL MEETING

March 12, 2003

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MATTERS FROM CITY MGR

None.

MATTERS FROM CITY CLERK

None.

MATTERS FROM CITY ATTY

None.

EXECUTIVE SESSION

None.

COMMUNICATIONS/GOV BODY [pp. 18-20]

None.

PETITIONS FROM THE FLOOR [pp. 20-21]

APPOINTMENTS

None.

PUBLIC HEARINGS

Liquor Licenses

None.

Other Public Hearings

None.

MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY

Santa Fe, New Mexico

March 12, 2003

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico was called to order on this date at approximately 4:00 p.m. in City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, Roll Call indicated the presence of a quorum, as follows:

Members Present:

Mayor Larry A. Delgado
Councilor Carol Robertson Lopez, Mayor *Pro Tem*
Councilor Patti J. Bushee
Councilor Miguel M. Chavez
Councilor David Coss
Councilor Karen Heldmeyer
Councilor Matthew E. Ortiz
Councilor David Pfeffer
Councilor Rebecca Wurzbarger

Members Excused:

None.

APPROVAL OF AGENDA

City Manager Jim Romero stated that there has been a request to postpone, to March 26, the sole Public Hearing on tonight's agenda (Case No. AB-2002-03, 127 Duran Street Appeal). He added that moving Petitions From the Floor to the Afternoon Session Agenda would preclude the need to hold an Evening Session, and the Evening Session could therefore be canceled.

Following discussion, the following items were placed on the Afternoon Session Agenda to precede Matters From the City Manager:

1. Emergency Resolution Opposing the Inclusion of an Amendment to SB 241 Which Would Remove the Extraterritorial Zoning Area for Municipalities Located Within Counties With Populations Over 125,000 Persons; and

2. Petitions From the Floor.

Councilor Lopez moved approval of the Agenda, with these changes. Councilor Bushee seconded the motion, which passed 8-0 by voice vote, with Councilor Bushee, Councilor Chavez, Councilor Coss, Councilor Heldmeyer, Councilor Lopez, Councilor Ortiz, Councilor Pfeffer and Councilor Wurzburger voting for, and none against.

APPROVAL OF CONSENT CALENDAR

Upon motion by Councilor Ortiz, seconded by Councilor Wurzburger, the Consent Calendar was approved, as amended, on the following Roll Call vote:

For: Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger.

Against: None.

- a) Bid No. 03/36/B — Buckman Supplemental Wells Nos. 10-13 Drilling: Layne Western Company.
 - 1) Request for Approval of Budget Adjustment — Project Fund.
- b) Request for Approval of Cooperative Grant Agreement — Buckman Supplemental Wells Nos. 10-13 Project; Bureau of Reclamation.
 - 1) Request for Approval of Budget Increase — Project Fund.
- c) Request for Approval of Grant Award — Services for Municipal Court; Supreme Court of New Mexico.
 - 1) Request for Approval of Budget Increase — Municipal Court Automation Fund.
- d) Request for Approval of Amendment No. 1 to Professional Services Agreement — Day Reporting Services for Juvenile Justice Programming; Santa Fe Public Schools.
- e) Request for Approval of Amendment No. 1 to Contract — Citywide Water Utility Construction & Repair; Santa Fe Underground, Inc.

- f) Request for Approval of Sole Source Procurement and Professional Services Agreements — Fair Housing Initiative program.
 - 1) Neighborhood Housing Services of Santa Fe.
 - 2) People of Color With AIDS Foundation/Somos Un Pueblo Unido.
- g) Request for Approval of Budget Adjustments — Hardware and Software for Network Upgrade Projects.
- h) Request for Approval of Budget Increase — Employee Medical Plan Fund.
- i) CONSIDERATIAON OF RESOLUTION NO. 2003-29.
 (Councilor Ortiz, Councilor Wurzburger, Councilor Pfeffer, Councilor Heldmeyer, Councilor Coss and Councilor Lopez)
 A Resolution Authorizing and Approving Submission of an Executed Agreement for Financial Assistance to the New Mexico Environment Department and Construction Programs Bureau for the Buckman Direct Diversion Project.
- j) [Removed by Councilor Heldmeyer for discussion.]
- k) [Removed by Councilor Heldmeyer for discussion.]
- l) Request to Publish Notice of Public Hearing for April 9, 2003 City Council Meeting:
 - 1) BILL NO. 2003-6: An Ordinance Amending Section 10-2 SFCC 1987; Relating to Noise, Regulating the Use of “Boom Boxes” on all Public Streets, Alleys and Parks and in Residential and Commercial Districts and Providing Penalties for Violation of These Provisions. (Councilor Lopez)
 - 2) BILL NO. 2007-7: An Ordinance Amending Various Sections of Chapter 5 SFCC 1987 Regarding Animal Control Regulations. (Councilor Coss)
 - 3) BILL NO. 2003-8: An Ordinance Amending Sections 18-7.1 and 18-7.2 SFCC 1987 Relating to Carnivals and Circuses. (Councilor Bushee)

APPROVAL OF MINUTES: February 26, 2003

Upon motion by Councilor Lopez, seconded by Councilor Coss, the minutes of the February 26 meeting were approved 8-0 by voice vote, as submitted, with Councilor Bushee, Councilor Chavez, Councilor Coss, Councilor Heldmeyer, Councilor Lopez, Councilor Ortiz, Councilor Pfeffer and Councilor Wurzburger voting for, and none against.

PRESENTATIONS

Santa Fe Trends 2003. (Reed Liming)

Mr. Liming reviewed highlights of this sixth annual report from the Planning and Land Use Department, including the following Summary Stats for 2002:

- Estimated city population, 63,500; Urban Area population, 81,500.
- City housing growth rate: 2.2% (697 new housing units, 52% of regional growth).
- Urban Area housing growth rate: 2.2% (815 new housing units, including city, 61% of regional growth).
- Regional housing growth rate: 2.6% (1,333 new housing units including City and Urban area).
- Tierra Contenta, 174 new housing units (25% of all new residential construction in the city).
- Median priced single family detached home in city, \$249,450; outside city, \$269,509.

[Mr. Liming added that, in the fourth quarter of 2002, the median housing price in the city jumped to \$272,000.)

- Median household income (city): \$42,840.
- City water system demand, 9,800 acre-feet, 118 gallons per person daily.
- Water system average annual supply: 12,700 acre-feet.
- Transit ridership: 592,000 passenger trips.
- Santa Fe public high schools 2002-02 dropout rate: 7.6% — lowest in ten years.

In reviewing some interesting facts, Mr. Liming noted that, while water use went down significantly in 2002, average daily wastewater demand went up from 6 mgd influent to 6.2 mgd.

Mr. Liming also called attention to the Traffic Volumes chart on page 10. He pointed out that, within a month of completing Rufina Street in 2002, along one segment there was a count of nearly 18,000 cars a day. He said this was certainly evidence that this road was needed.

Councilor Bushee asked Mr. Liming to research how Santa Fe's daily water use compares to other areas in the West.

Councilor Bushee asked if the increase in influent at the plant was connected to the increase in greywater use.

Councilor Lopez responded that she thought that was because outdoor watering had decreased and more water was going down people's drains.

Mr. Romero said he would ask Wastewater director Costy Kassisieh to respond to this question in writing within the next day or so.

Responding to questioning from Councilor Bushee on the number of building permits issued in 2002, Mr. Liming said there was a big jump in May 2002 when there was discussion about a moratorium, and again in September when there was discussion about a water budget and retrofitting. He said he assumed that the vast majority of people who come in for permits will go ahead and build. He stated that the City does not track housing starts per se, so tracks and uses the number of permits issued to determine growth.

Councilor Bushee asked if anyone tries to correlate the number of building permits with the number of water meters issued.

Mr. Liming responded that this might be an interesting thing to add to the Trends report, and he would consider it.

Councilor Wurzbarger suggested that it might make more sense to track certificates of occupancy with the number of permits.

Councilor Wurzbarger observed that the Trends report did not include information on the economy. Pointing to increasing concern that the City is not as business-friendly as it would like to be, she suggested that the next Summary Stat page include some kind of economic development measure.

Mr. Liming responded that the Department of Labor generally gives information by county and does not come up with annual figures for cities. He said staff would try to find other measures that might be available, e.g., through City business registrations.

Legislative Report. (Mark Duran)

Mr. Duran reported that the 60-day Legislative Session has just ten days left, and things are going extremely well thanks to an excellent strategy being pursued by the City.

Mr. Duran stated that the City is working on a \$1.6 million appropriation that would go toward providing the 20% match required by NMFA on any Clean Drinking Water fund amount that they appropriate. He said the City has a \$7 million loan request in to NMFA for Buckman Wells 10-13, which is needed to provide the \$1.6 million match.

Addressing a second request, Mr. Duran said the City has applied to the NMFA for a \$2 million grant that would begin the preliminary work and NEPA studies and other studies required for the San Juan-Chama diversion project.

Mr. Duran also stated that the City has regrouped with a new strategy, calling for the entire Santa Fe delegation to introduce a bill for the City's water treatment facility, since that is the only project pending that cannot go through the NMFA for funding. He added that he and Mayor Delgado have worked very hard in explaining the need for this project to the Governor's Office, and he was happy to report that the Governor will commit to this project in an amount of somewhere between \$500,000 and \$1 million — a healthy sum. He noted that Sen. Roman Maes has verbally committed to nearly \$500,000 to the facility; and various other representatives have committed in amounts between \$50,000 and \$150,000.

Speaking to a major piece of legislation, Mr. Duran said Speaker Lujan has initiated a bill that would take 10% of available Severance Tax bond monies to set aside and bond against for water projects over the next ten years.

Mr. Duran said this was important because the San Juan-Chama diversion project will cost nearly \$100 million. He said Speaker Lujan's bill would give the City a predictable stream of money in the future on its water needs.

Councilor Heldmeyer asked Mr. Romero to direct Mr. Duran to follow two land use bills: SB389 and SB411.

Councilor Chavez asked Mr. Romero to work with Mr. Duran in offering support to a bill, introduced by the Municipal League, on impact fees relative to schools.

Councilor Coss asked for tracking on SB721, the Living Wage preemption bill. He commented that the Senate hearings have included some misleading testimony.

Progress Report: Sustainable Santa Fe Commission. (Margo Covington)

Ms. Covington gave an overview of the SSFC's progress report, summarizing the Commission's thinking over the last year and a half. She said they thought it important to come forward with a consensus document with the expertise of the members, presenting a firm foundation for sustainability in the future.

Ms. Covington stated that three work groups were assigned to develop objectives and strategies: Healthy Watersheds; Zero/Benign Waste; and Historic City Core. She referred to diagrams on display (also in the packet) of these three areas, saying it was the Commission's goal to help people graphically understand what was going on in the city around various key leverage points, including what groups were already doing work in these areas, and to identify missing areas.

Ms. Covington said the Commission would take ideas from the Council tonight and then move forward quickly with what the members felt was a strong foundation.

Councilor Coss said he particularly appreciated the "actionable items" in the Commission's report, since these were tangible things that could be considered in the City's budget.

Councilor Coss expressed concern, however, about the "field teams" for different tasks. He said the Commission needs to consider how the City will pay for these teams, what are their time frames, what are their responsibilities, etc.

Councilor Coss asked the Commission not to tie any components to the NPDES stormwater regulations, but instead to indicate that these would be done through City initiative.

Councilor Coss said he liked the Watershed projects, and also liked the Zero Waste ideas. He stated that he was still very interested in working with Northern New Mexico communities, including Nambé Pueblo, that are interested in zero waste recyclable materials as a genesis for economic development and manufacturing activities.

Councilor Pfeffer commended the Commission on a "wonderful" report. He said he especially like the Historic City Core angle.

Councilor Pfeffer said the "Lens" diagram seems to focus on art, but the overall report is much broader than that. He said the economy part is more

inclusive of what the City's economic engine looks like in a broad-brush way, and he hoped the Commission would be amenable to "seeing what our economic engine is from your perspective, and then seeing it in terms of sustainability through this kind of a lens."

Councilor Chavez commented that he hoped that the Commission's work, particularly with respect to a Healthy Watershed, would assist the City in developing policy in the very long term. He said the issue of water will not go away, and he thought the Commission had presented a good roadmap for consideration.

Councilor Wurzbarger said she liked all three of the diagrams, but the Historic City Core was particularly interesting to her, and she hoped that the action steps listed under item 6 (page 14) would be pursued.

Councilor Wurzbarger additionally commended the conceptual framework that the Commission used to put together the report. She remarked, "This moves us to another level."

Councilor Ortiz thanked the Commission for its work and for coming up with a clear and precise focus. He added, though, that he thought the Commission had failed to address areas of concern that he discussed a year and a half ago when the Commission brought forward its initial report. He said, "I don't see Santa Fe as really a three-legged stool; I see it as a four-legged chair, and it involves housing and health, jobs and education. I think that providing for zero waste and river restoration and focusing on the downtown core are all laudable purposes, but they don't get to what is primary in most Santa Feans' lives.... Santa Feans who, for a number of reasons, have been pushed farther and farther away from Santa Fe." He said emphasizing the downtown core was "emphasizing a vision of Santa Fe for visitors.... and I can't believe that that is the charge to making Santa Fe sustainable."

Councilor Ortiz said the Commission had also failed to address healthcare, yet Santa Fe was experiencing a crisis in this area.

Addressing the minimum wage bill adopted by the Council in late February, Councilor Ortiz commented that, had the Commission studied the conditions that ordinary Santa Feans are working in and put the data in place a year and a half ago, the debate and the amendments might not have been necessary.

Councilor Ortiz suggested that the Commission continue to focus on downtown business capital district issues, but reminded the members that a lot of people living on the Southside and Westside are dealing with day-to-day concerns "that the Commission is missing the boat on. Housing, healthcare,

jobs, and education.” He said he hoped the Commission could add those to the “Lens” part of its work.

Councilor Bushee said she saw a bio fuel cells project demonstration today at the Legislature that uses biomass for energy. She commented that the City's watershed will generate tons of biomass, and wondered how a system could be developed for this area (“micro-regionally”) without duplication of effort. She said she would like the Commission’s ideas for economic development in the solid waste area also be focused on how jobs might be created.

Councilor Coss disagreed with Councilor Ortiz’ comments on the river project. He said he lives on the Westside by the Santa Fe River, “and it’s a mess,” and fixing it up there would not only improve his standard of living and quality of life, but that of his constituency there.

Councilor Coss agreed with Councilor Ortiz’s remarks, however, about the sustainability of Santa Fe with respect to healthcare, jobs and other issues, and asked Ms. Covington if she thought the Commission would be able to address them.

Ms. Covington responded by pointing out that all aspects of the Commission’s report has an educational component under the “Shared Wisdom” areas. She stated that jobs are also implied under Zero/Benign Waste, since everything directed to the landfill would instead serve as raw material for a new business. She said the Commission would also love to see a living wage, which should be the natural outcome of a robust and sustainable community under the Commission’s approach.

Addressing health, Ms. Covington stated that sustainability in the long run has everything to do with health because toxins that are going into the landfill will make people sick — if not now, then certainly later. She stated that holistic healing and vibrancy in the community “is all about health,” and every action recommended by the Commission is aimed at a healthy community.

CONSENT CALENDAR DISCUSSION

[The following two resolutions were considered in reverse order at Councilor Heldmeyer's request.)

- k) **CONSIDERATION OF RESOLUTION NO. 2003-____.**
(Councilor Pfeffer)
A Resolution Delaying the Planning or Design of Traffic Calming Projects for Minor Arterial Streets Until the Governing Body Adopts Revisions to the City's Traffic Calming Program.
- j) **CONSIDERATION OF RESOLUTION NO. 2003-30.**
(Councilor Heldmeyer)
A Resolution Forming a Task Force for the Purposes of Evaluating the Policies, Rules, and Regulations of the City of Santa Fe Traffic Calming Program.

Councilor Heldmeyer stated that these two resolutions were introduced for the first time at the Public Works Committee two days ago, and nearly all of the approximately 25 people who addressed the Committee supported Item J and not Item K.

Councilor Heldmeyer said a motion to support K died for lack of a second, but the resolution had already been published on today's Consent Calendar.

Councilor Heldmeyer moved to deny approval of this resolution (Item K) for that reason. Councilor Chavez seconded the motion.

Councilor Pfeffer explained that he had brought this resolution forward after reading letters in *The New Mexican* and other newspapers, and in response to emails he has received, concerning the impact of the Traffic Calming Program on some through streets.

Councilor Pfeffer stated that he attended the Public Works Committee meeting this week and thought the essence of the public comment boiled down to three things: 1) folks have been working really hard on traffic calming projects and don't want to see them delayed; 2) folks have been working hard according to a set of rules promulgated by the City and they do not want to see them changed midstream; and 3) in addition to noise and traffic issues per se, some through streets have a few very serious safety issues that need to be addressed.

Councilor Pfeffer asked City Attorney Bruce Thompson if he could propose amendments to his resolution notwithstanding the motion on the floor, and Mr.

Thompson responded that Councilor Pfeffer would have to face a vote on the denial before proceeding.

Councilor Pfeffer commented that this seemed procedurally odd. He said he thought he should be able to amend his own resolution.

Councilor Pfeffer moved to amend his resolution as follows:

Amend title to read:

A Resolution Delaying the ~~Planning or Design of~~ Final Approval of Additional Traffic Calming Projects....

Page 2, delete:

~~Whereas, six proposed traffic calming projects, either in planning or design stages of the approval process, are located on minor arterial streets. These projects are Don Diego Avenue, Camino Cabra, Camino Cruz Blanca, Baca Street, Paseo de Peralta, and Osage Avenue; and~~

Whereas, ~~these~~ additional projects should reflect any applicable revisions....

Now, therefore, be it resolved by the Governing Body of the City of Santa Fe that additional traffic calming projects located upon minor arterials shall not be finally accepted, ~~undertaken or approved~~ until the governing body has considered and adopted....

The amendment was *not* accepted as friendly.

Councilor Heldmeyer pointed out that the list of projects deleted by Councilor Pfeffer are in various stages of approval, so to delay them pending final approval would effectively put them off.

Councilor Chavez agreed that the time to review the Traffic Calming Program is approaching, but he was disturbed at the idea that neighborhoods that have been working steadily for the past year or two on their own traffic calming programs would effectively be caught up in this resolution.

Councilor Pfeffer pointed out that his amendments would change that, and programs now in the pipeline would not be delayed and the rules would not change "in the middle of the game."

Councilor Lopez noted that the Traffic Calming resolution calls for an 18-month review, and she thought the resolution being proposed by Councilor Heldmeyer was in that spirit and therefore appropriate.

Councilor Lopez added that Councilor Pfeffer's issues could have been addressed in Councilor Heldmeyer's proposal had there been an effort to work together.

Councilor Lopez stated that it was "totally out of hand" for the Council, through Councilor Pfeffer's resolution, to tell the traffic calming committee that it should stop various projects. She commented that she has received numerous telephone calls from her District 4 constituents "who have been waiting in line to develop their projects."

Councilor Bushee said the Council should discuss "exactly when a resolution gets to be on an agenda when it doesn't have much support." She pointed out that Councilor Heldmeyer's resolution "just follows through with what we said we would do in having the 18-month review."

Mayor Delgado commented that he was concerned at the idea of setting aside traffic calming projects after he and other members of the Council have told hundreds of citizens to go collect signatures for their individual traffic calming projects and then to contact the Traffic Calming Coordinator.

Councilor Pfeffer said he was sorry that he was not being heard, nor were the citizens he was trying to represent with this resolution. He commented that he found it unfortunate that several Councilors continued to characterize this resolution as a device for stopping projects in the pipeline even though he had introduced amendments to address that concern.

The motion for denial passed on the following Roll Call vote:

For: Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Bushee.

Against: Councilor Pfeffer.

Abstaining: Councilor Wurzburger.

Councilor Wurzburger said she had abstained because "as this is currently constituted, the only people who vote are the people on the street or right around it." She stated that she hoped this concern would be addressed in the evaluation.

Councilor Heldmeyer moved approval of Resolution No. 2003-30. Councilor Lopez seconded the motion.

Councilor Lopez moved an amendment that task force meetings will be open to the public, and public testimony will be taken.

Councilor Heldmeyer accepted the amendment as friendly, inserting it at the end of Article 3, Section 3 (Duties and Responsibilities).

Councilor Lopez stated that the Public Safety Committee is looking at pedestrian safety as a separate issue and is reviewing intersections where there have been fatalities or accidents, and hopes to come forward with recommendations as a second effort in this area. She stated that the Committee hopes to request CIP or other funding to do some quick work on these intersections.

In discussion on the fact that the task force will have to be reappointed because its term is over, Councilor Wurzbarger proposed an amendment that at least two members of the committee not be from the original task force.

The amendment was accepted as friendly by Councilor Heldmeyer with the proviso that any previous member who wants to serve on the committee will have their name submitted and the Mayor will make the decision on whether to recommend their appointment.

Councilor Ortiz asked if the original task force would have first priority on being reappointed.

Councilor Chavez responded that the resolution states that the original members "shall be reappointed," and if an original member is unable to accept the nomination, an appropriate replacement will be suggested.

Councilor Ortiz proposed the following amendment to add to the Purpose section, to add anywhere after line 24 on page 2:

Councilor Ortiz noted that the task force will consider the approval process itself, and recommended that this be listed as one of the charges of the task force under the Purpose section on page 2.

Councilor Heldmeyer pointed out that this was covered on page 3, line 2, where it stated that the task force would evaluate "the differentiation of projects based on street class or traffic volumes regarding approval processes and types of devices used."

Councilor Ortiz responded that he thought this referred to a different approval process for a big street versus a smaller street. He said he was speaking to the task force considering the entire approval process, i.e., the petitioning and so forth.

Councilor Heldmeyer accepted the amendment as friendly, with the proviso that it be added at the end of the Purpose section.

Councilor Ortiz proposed the following amendment to line 25, page 2:

...traffic diversion related to traffic calming, reversionary/appellate procedures....

Councilor Ortiz stated that, as he understood it, the language was trying to say, "What do we do if we approve a project and suddenly there are neighbors who are voicing opposition that didn't come through the petition process or whatnot? I want to make it clear to the public that reversionary is also appellate."

The amendment was accepted as friendly.

Councilor Ortiz proposed the following amendment to line 25, page 2:

....designation of project areas (e.g., secondary and tertiary street input in project approvals), traffic diversion related to traffic calming....

The amendment was accepted as friendly.

Councilor Ortiz noted that the last round of traffic calming was financed with CIP bonds; and given that the City is headed into a fiscal year where it will have to consider those bonds, it may be looking at a too-lengthy time frame for the task force to come back with recommendations on whether or not the City will fund. He commented that the Public Works Committee will have "first crack" at the CIP bond issue, and asked Councilor Heldmeyer, chair of that committee, if she wanted to tie the timing of the task force report to that.

Councilor Heldmeyer responded that Traffic Calming Coordinator Carrie LaCrosse has already worked out a twice-per-month meeting schedule "and has basically crammed in everything she can in that time frame. I think that this will be available before final decisions are made on CIP." She asked when "first crack" at the bond issue would occur, and City Manager Jim Romero responded that it would be around May or June.

Councilor Ortiz proposed the following amendment to the Time section on page 3, line 22:

The Traffic Calming Program Evaluation Task Force shall report to the governing body at its regularly scheduled meeting on September 24, 2003 and the Traffic Calming Program Evaluation Task Force shall give continuous updates to the Finance Committee and the Public Works Committee on its progress.

The amendment was accepted as friendly.

Resolution No. 2003-30, as amended, was adopted on the following Roll Call vote:

For: Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Bushee; Councilor Chavez.

Against: None.

[Conclusion of Consent Calendar discussion.]

**CONSIDERATION OF RESOLUTION NO. 2003-31. (Councilor Lopez)
A Resolution Amending the Time on the Civic Center Task Force.**

Councilor Lopez stated that this resolution would allow the Civic Center Task Force to continue its work for another year. She commented, "I think the Task Force is embracing the notion of better, not bigger, and I think we're making some real progress."

Councilor Lopez moved for approval. Councilor Wurzburger seconded the motion, which passed on the following Roll Call vote:

For: Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Chavez.

Against: Councilor Coss.

Not present during the vote: Councilor Bushee.

CONSIDERATION OF THE SETTLEMENT OF NEW MEXICAN V. CITY OF SANTA FE.

City Attorney Bruce Thompson noted that this litigation has been going on for five years; and on the eve of the trial, there has been great pressure to get a settlement in place. He stated that a lot of work was done by Mayor Delgado and Councilor Ortiz in meeting with *The New Mexican*. He said the language in the Stipulated Judgment and Court Order has been approved by the Court subject to City Council approval, and the filing will take place tomorrow.

Councilor Lopez moved for approval. Councilor Wurzburger seconded the motion, which passed on the following Roll Call vote:

For: Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Chavez; Councilor Coss; Councilor Heldmeyer.

Against: None.

Not present during the vote: Councilor Bushee.

**CONSIDERATION OF RESOLUTION NO. 2003-32. (Mayor Delgado)
A Resolution Strongly Opposing the Inclusion of an Amendment
to SB 241 Which Would Remove the Extraterritorial Zoning Area
for Municipalities Located Within Counties With Populations Over
125,000 Persons.**

Councilor Lopez moved for approval. Councilor Coss seconded the motion.

Councilor Lopez proposed the following amendments:

To page 1, line 19:

Whereas, ~~Senator Roman M. Maes has introduced~~ the Senate has adopted an amendment to Senate Bill 241....

To page 2, lines 6-7:

~~Whereas, if the legislature wishes to consider changes to the extraterritorial zoning authority, the cities and counties most impacted by the changes should be consulted; and~~

Councilor Lopez explained that she would hope the City would be consulted in the future on such changes, but she would hesitate to make it appear that the City was trying to tell the Legislature how to conduct its business.

The amendments were accepted as friendly.

Councilor Coss pointed to a jar of “Northern Santa Fe County honey” that he had purchased earlier today, saying it was a “reminder to keep my words sweet.” He commented that he sat through last night’s County Commission meeting when this issue was discussed, “and I think what’s really important throughout all of this, whatever comes out of the Legislature, is to keep close to the County and make them do regional planning with us — whether they want to hug our prairie dogs or share our water or retrofit toilets with us, or any of the other things that they don’t like about what we’re doing.” He said it was in the City’s best interests to continue to work with the County.

Councilor Pfeffer concurred. He stated that, no matter how “tough or ugly” things got at the EZA and RPA, “being there and talking at all is a positive thing.”

Councilor Heldmeyer pointed out that if the EZA is dissolved, it also means the authority under which the RPA operates will be dissolved — so without the EZA, there would be no RPA, and thus no forum for the City and County to talk together.

Resolution No. 2003-32 was adopted on the following Roll Call vote:

For: Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez.

Against: None.

MATTERS FROM THE CITY MANAGER

None.

MATTERS FROM THE CITY ATTORNEY

None.

MATTERS FROM THE CITY CLERK

None.

COMMUNICATIONS FROM THE GOVERNING BODY

Mayor Delgado

Mayor Delgado said he had a “housecleaning item” in regard to disposition and retention of schedules and making that consistent with how the State deals with records, and he would bring forward a resolution at the next meeting.

Councilor Pfeffer

Councilor Pfeffer stated that Section 9(d)4 of the Water Budget Ordinance states, “At least once annually, at the first Wednesday in March, the Governing Body shall review at public hearing the effectiveness of the annual Water Budget Ordinance and water budget procedures... for the purpose of review and possible amendments.” He observed that this item was not on tonight’s agenda, however, and asked City Manager Jim Romero when it would be brought forward.

Mr. Romero responded that, following discussion with Councilor Ortiz, he would like to incorporate some procedural changes and bring any amendments forward to the Public Utilities Committee at its April 2 meeting before taking this item to the City Council.

Councilor Pfeffer commented that there might be other ordinances which require periodic reviews, and wondered if they could be tracked so they could go through the committee process in time to meet the Council deadline.

Mayor Delgado asked City Clerk Yolanda Vigil to look into this request.

On another matter, Councilor Pfeffer stated that he and Councilor Bushee have co-sponsored a resolution concerning women’s safety in Santa Fe, and he hoped that could go through the appropriate committees, including Public Safety.

Councilor Coss

Councilor Coss introduced Boy Scouts in the audience who were working on their Civics merit badges.

Councilor Coss distributed two resolutions:

- 1) Increasing the amount of Lodgers Tax going to Transit to be commensurate with the 12% of riders who are visitors to the city. [To go to the Mayor's Committee on the Concerns of Persons With Disabilities and the Transit Advisory Board prior to going to the City Council committees.]
- 2) Resolution directing the City Manager to pursue eminent domain actions on El Seville Apartments. [To go to Public Works Committee and Finance Committee.]

On the latter resolution, Councilor Coss said he was concerned that this single project could wipe out a substantial amount of affordable housing in Santa Fe, and in talking with his colleagues and staff, he has not found any viable options to preventing the loss of 70 affordable units.

Councilor Wurzburger

Councilor Wurzburger said she and three Councilors celebrated Dr. Seuss's birthday at Kaune Elementary School, and it was a wonderful experience.

Councilor Chavez

Councilor Chavez asked Mr. Romero to distribute copies of the NPDES Plan to Councilors as soon as possible.

Councilor Chavez distributed a resolution amending the City's Parks, Open Space, Trails and Recreation Master Plan to include the Executive Summary and Implementation Plan, which had been overlooked in the first go-round.

Councilor Chavez distributed an ordinance creating a new Section 13-1 SFCC 1987, establishing a stormwater utility rate charge for all utility customers of the city.

Councilor Bushee

Councilor Bushee recognized the passing of Ernie Mills. She said a celebration would take place on March 17.

Councilor Heldmeyer

Councilor Heldmeyer stated that representatives of FOG (Friends of Open Government) expressed concern that the City Manager's presentation on the 2003 Water Budget at the February 26 Council meeting was a violation of the

Open Meetings Act. She said that, after studying a variety of documents and the meeting minutes, FOG's legal opinion is that it was a clear violation of the State Open Meetings Act and of City ordinances, including the Water Budget Ordinance and the Governing Body Procedural Rules.

Councilor Heldmeyer continued, however, that the Water Budget Ordinance says the vote taken at the February 26 meeting can be taken any time in March, and FOG strongly recommends that the defect be cured by placing the vote on the allotment on the next Council agenda.

Councilor Heldmeyer said she would caution the Council that FOG will be paying close attention to Council meetings henceforth to make sure that the Open Meetings Act is not violated.

Councilor Lopez

Councilor Lopez commented that she was delighted to see FOG following the Council meetings, because she was a big supporter of all of the requirements for open government.

Councilor Lopez stated that, with respect to one of the bills brought forward to talk about transportation infrastructure for affordable housing (\$500,000), she recalled that the Council passed a resolution a few months ago asking the City Manager to explore creating a transportation district from The Lofts area back up to the traffic light at Richards Avenue. She said the road cuts through a large portion of land owned by the Community Housing Trust, making it eligible for the funding.

Councilor Lopez said she attended the Salt of the Earth conference at the College of Santa Fe, which received national coverage.

PETITIONS FROM THE FLOOR

Carolyn Sigstedt

Addressing the amendment proposed by Sen. Maes to SB 241, Ms. Sigstedt said she thought the City very wise to continue working with the County, since the State would observe that working relationship.

Ms. Sigstedt commented that this is the way county government is going, especially around metropolitan areas. She said, "County government is not about road and gravel anymore, as we well know, and there are County Commissioners in Santa Fe County who are doing some very progressive work. And I have always seen it as an opportunity to actually protect a larger area."

Ms. Sigstedt advised that the City do some diligent and serious work at the RPA level, because the RPA could have decision-making powers; and also to ask that the EZA stay in effect until the RPA has those decision-making powers. She said the City might be able to buy some time that way.

Ms. Sigstedt further pointed out that the JPAs between the City and County work in the citizens' favor as well as the City's favor because they keep costs down.

Ms. Sigstedt also urged the Council to keep the issue of annexation on the table.

Christina Noftsker

Ms. Noftsker asked the Council to consider installing a crosswalk at Siringo Road near the railroad tracks. She stated that this is a deadly area and it is difficult to cross the street at certain times of day.

Ms. Noftsker said beneficiaries of this crosswalk would include schoolchildren, Arroyo Chamiso Trail walkers, railroad trail walkers and bikers, and general neighborhood residents.

Ms. Noftsker asked the Council to consider that the Yucca/Arroyo Chamiso Trail crosswalk is very effective in slowing drivers down.

ADJOURN

Its business completed, the Governing Body adjourned the meeting at approximately 6:30 p.m.

Approved by:

Mayor Larry A. Delgado

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully Submitted:

Judith S. Beatty, City Council Reporter